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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

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IN RE: BEXTRA AND CELEBREX
MARKETING SALES PRACTICES AND
PRODUCT LIABILITY LITIGATION

}) Estate of Bobbie G. Overton, Sr., et al vs.
}) Pfizer, et al
}) Cause No. 08-1017-CRB

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}) **MDL NO. 1699**
}) **District Judge: Charles R. Breyer**

})
}) Estate of James Ellis,

}) Plaintiff,

}) vs.

})
}) Pfizer, Inc., et al.

}) Defendants.

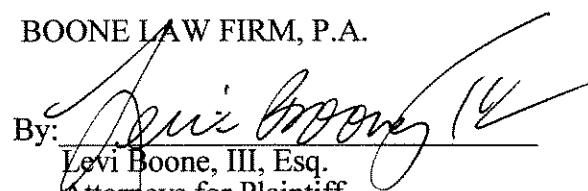
})
}) **STIPULATION AND ORDER OF**
}) **DISMISSAL WITHOUT PREJUDICE**

Come now the Plaintiff, ESTATE OF JAMES ELLIS and Defendants, by and through the undersigned attorneys, pursuant to Federal Rule of Civil Procedure, Rule 41(a), and hereby stipulate to the dismissal of this action without prejudice with each side bearing its own attorneys' fees and costs.

Should Plaintiff or a representative of Plaintiff attempt to re-file claim against Defendants, they shall do so only by re-filing in the United States District Court.

1 DATED: 5/9, 2008

2 BOONE LAW FIRM, P.A.

3 By: 
4 Levi Boone, III, Esq.
5 Attorneys for Plaintiff

6 DATED: 5/14, 2008

7 GORDON & REES

8 By: 
9 Stuart M. Gordon
10 Attorneys for Defendants

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12 PURSUANT TO THE TERMS SET FORTH IN THE PARTIES' STIPULATION,
13 IT IS SO ORDERED.

14 Dated: _____

15 Hon. Charles R. Breyer
16 United States District Court